

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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SAMUEL M. ROBERTS,

Plaintiff,

-vs.-

**Civil No. 11 CV 6206L**

LOS ALAMOS NATIONAL SECURITY, LLC.,  
AWE, PLC., MASSACHUSETTS INSTITUTE OF  
TECHNOLOGY,

Defendants,  
Third-Party Plaintiffs,

-vs.-

UNIVERSITY OF ROCHESTER

Third-Party Defendant.

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**PLAINTIFF'S RESPONSE TO LOS ALAMOS' STATEMENT OF  
UNDISPUTED MATERIAL FACTS**

Pursuant To Local Rule 56 of the Rules of Civil Procedure for the United States District Court for the Western District of New York, Plaintiff, Samuel M. Roberts, responds to Los Alamos' Statement of Undisputed Material Facts as follows:

1. 2. 3. 4. 7. 8. 9. 14. 15. And 16. Undisputed.
5. 6. 10. 11. 12. 13. 17. Disputed. Dr. Horsfield of AWE admits in his declaration that AWE and Los Alamos had the right to install a new PMT and other equipment on the Light Pipe in between shots. Furthermore, the Principal Investigators bear the duties of safety as set forth in the applicable rules, regulations and policies of the U of R governing use of the OMEGA Laser and its ancillary equipment. Therefore, the U of R premises and the Light Pipe were not exclusively controlled by the U of R.

DATED:       Pittsford, New York  
              November 29, 2012

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s/ Louis J. Micca  
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